

DECISION ON SPECIAL USE PERMIT-A
201 North Greensboro Street Commercial Project

On April 26 and June 7, 2022, the Town Council held a quasi-judicial hearing on the application of Coulter Jewel Thames PA, on behalf of the property owner, CKE III, LLC, for a Special Use Permit-A to allow the property owner to construct a new three-story commercial building and infrastructure at 201 North Greensboro Street and 100 Center Street in Carrboro, North Carolina. Based on the evidence submitted at the hearing, the Council makes the following Findings of Fact, Conclusions, and Decision:

Findings of Fact

1. The properties that are the subject of the application, located at 201 North Greensboro Street and 100 Center Street in Carrboro, North Carolina, PIN Nos. 9778-86-3587 and 9778-86-2555, are 0.53 acres in size. The 201 North Greensboro Street parcel is vacant and has an existing parking lot on the 100 Center Street parcel. The 201 North Greensboro Street parcel is zoned B-1(c) within the Downtown Neighborhood Protection overlay district, and the 100 Center Street parcel is zoned B-2.
2. The surrounding land uses are: to the North, B-1(c) and B-2-CZ – commercial buildings; to the South, B-1(c) – public street; to the West, B-2 and B-2-CZ – public street and commercial building; and to the East, B-1(c) – public street.
3. The property owner proposes to construct a three-story commercial building (16,186 sf) on the property to include multiple commercial uses, which are permitted uses with a Special Use Permit-A in the B-1(c) and B-2 districts under the use classifications listed on the project plans, with utilization of the existing parking on the property and additional parking to be created, totaling 40 parking spaces.
4. The forty (40) parking spaces are sufficient to serve the 201 North Greensboro Street project based on information provided by the applicant regarding the alternative modes of transportation to get to and from the 201 North Greensboro Street project.
5. According to the Staff Report, the Application is complete and the proposed use satisfies all of the Land Use Ordinance requirements regarding traffic,

parking, bike parking, tree protection, screening, shading of the parking lot, tree canopy, drainage and grading, and requirements pertaining to utilities and refuse collection.

6. The property owner proposed to keep the existing 5-foot-wide sidewalk along the 100 Center Street parcel as a continuation of a nonconforming situation.
7. Mr. Tom Tolley, a N.C. Certified Appraiser, rendered the opinion that the proposed use would not adversely impact any neighboring property values and would likely enhance the residential and commercial values of the nearby properties based on the nature of the proposed use.

Conclusions

1. The Application is complete.
2. The Application complies with all applicable requirements for the Land Use Ordinance. In addition, per Land Use Ordinance Section 15-178(b), the design of the project substantially achieves the purpose of the architectural standards for downtown development such that compliance with the standards set forth in Section 15-178(a) is not required.
3. The proposed use will not materially endanger the public health or safety.
4. The proposed use will not substantially injure the value of adjoining or abutting property.
5. The proposed use will be in harmony with the area in which its is to be located.
6. The proposed use will be in general conformity with the Land Use Plan and Thoroughfare Plan.

Decision

Based on the foregoing findings of fact and conclusions, the Council grants the requested Special Use Permit-A to CKE III, LLC.

The plan approved by Town Council is the updated / revised plan presented to Council during the June 7, 2022 meeting, with changes including but not limited to a revised dumpster location and a total of 40 parking spaces included instead of 41.

The applicant must obtain driveway permits from NCDOT or the Town of Carrboro Public Works Department prior to construction plan approval.

The applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in .dxf format and shall include a base map of the whole project and all separate plan sheets. As-built .dxf files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.

Proposed use #2.110 (high volume traffic generation) is not a permissible use within the B-2 zoning district. This use must be removed from the “table of proposed uses” during the Construction Plan review process.

The applicant agrees to restrict the hours when the on-site dumpster can be emptied to between ___ am and ___ pm.

The sidewalk in front of the 100 Center Street parcel, currently showing a five foot wide existing sidewalk, must be widened to approximately 7.5 feet on the construction plans for the project, by way of eliminating the verge / grass strip between the edge of the existing sidewalk and the back edge of the existing curb along West Weaver Street.

Signed, this the ____ day of June 2022.

Damon Seils,
Mayor, Town of Carrboro